

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 336621075 US, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 13, 2005

Signature: \_\_\_\_\_

(Georgina Matos)

Patent

Docket No. 578562000900

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Patent Application of:  
Benjamin FRYDMAN et al.

Serial No.: 10/627,211

Filing Date: July 25, 2003

For: CONJUGATES OF PORPHYRIN  
COMPOUNDS WITH  
CHEMOTHERAPEUTIC AGENTS

Examiner: M. Fedowitz

Group Art Unit: 1623

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of foreign documents and non-patent literature are submitted herewith. The Examiner is requested to make these documents of record.

The documents numbered 7, 10 and 13 listed on the attached Form PTO/SB/08a/b were cited in an International Search Report mailed on November 6, 2003, directed to a counterpart international or foreign application.

pa-979177

06/16/2005 WABDELRI 00000127 031952 10627211

03 FC:1806 180.00 DA

Application Serial No. 10/627,211

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

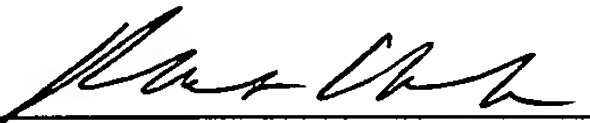
Application Serial No. 10/627,211

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling;  
or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 578562000900.

Dated: June 13, 2005

Respectfully submitted,

By   
Robert K. Cerpa  
Registration No.: 39,933  
MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-5715



Substitute for form 1449/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	10/627,211
				Filing Date	July 25, 2003
				First Named Inventor	Benjamin FRYDMAN
				Art Unit	1623
				Examiner Name	M. Fedowitz
Sheet	1	of	2	Attorney Docket Number	578562000900

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1.	US-2004/0152687-A1	08-05-2004	Frydman et al.	
	2.	US-5,677,350-A	10-14-1997	Frydman	
	3.	US-6,207,660-B1	03-27-2001	Sessler et al.	
	4.	US-6,392,098-B1	05-21-2002	Frydman et al.	
	5.	US-6,482,943-B1	11-19-2002	Blokhin et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	6.	EP-0 175 617-A2, A3, B1	03-26-1986	Cytogen Corporation		
	7.	FR-2 764 605-A1	12-18-1998	University of Hyderabad		
	8.	WO-00/66175-A2, A3	11-09-2000	SLIL Biomedical Corporation		
	9.	WO-00/66587-A2, A3	11-09-2000	SLIL Biomedical Corporation		
	10.	WO-01/28592-A1	04-26-2001	Mayo Foundation for Medical Education and Research		
	11.	WO-02/10142-A1	02-07-2002	SLIL Biomedical Corporation		

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	12.	Bauder, C. et al. (June 1990). "Acid-Catalyzed Cyclization of Vinyl-Substituted Porphyrins. An Improved Synthesis of Deoxophylloerythroetioporphyrin (DPEP) and Related Compounds," <i>Synlett</i> pp. 335-337.	
	13.	Brunner, H. et al. (1994). "Synthese und Antitumorktivität Neuer Porphyrin-Platin(II)-Komplexe Mit An Den Porphyrin-Seitenketten Gebundenem Cytostatischen Platin-Rest," <i>Chem. Ber.</i> 127:2141-2149. (Includes English Abstract).	
	14.	Brunner, H. et al. (1994). "Platinum(II) Complexes with Porphyrin Ligands - Additive Cytotoxic and Photodynamic Effect," <i>Angew. Chem. Int. Ed. Engl.</i> 33(21):2214-2115.	
	15.	Clelow, P. J. et al. (1985). "Synthesis of the C <sub>30</sub> Desethylaetioporphyrin from Petroleum," <i>J. Chem. Soc., Chem. Comm.</i> 11:724-726.	
	16.	Clelow, P. J. et al. (1990). "Synthesis and Characterisation of the C <sub>30</sub> -De-Ethylaetioporphyrin Present in Petroleum," <i>J. Chem. Soc. Perkin Trans.</i> 68(10):1925-1985.	
	17.	Dougherty, T. J. (1987). "Photosensitizers: Therapy and Detection of Malignant Tumors," <i>Photochemistry and Photobiology</i> 45(6):879-889.	
	18.	International Search Report mailed on November 6, 2003 for PCTpatent application no. PCT/US03/23898 filed on July 30, 2003, 6 pages.	
	19.	Jori, G. (1989). "In Vivo Transport and Pharmacokinetic Behaviour of Tumour Photosensitizers," <i>Ciba Foundation Symp.</i> 146:78-94.	
	20.	Lipson, R. L. et al. (December 1967). "Hematoporphyrin Derivative for Detection and	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/627,211
				Filing Date	July 25, 2003
				First Named Inventor	Benjamin FRYDMAN
				Art Unit	1623
				Examiner Name	M. Fedowitz
Sheet	2	of	2	Attorney Docket Number	578562000900

		Management of Cancer," <i>Cancer</i> 20:2255-2257.	
	21.	Sternberg, E. et al. (1996). "Pyrrolic Photosensitizers," <i>Current Medicinal Chemistry</i> 3:239-272.	
	22.	Winkelman, J. (June 1962). "The Distribution of Tetraphenylporphinesulfonate in The Tumor-Bearing Rat," <i>Cancer Research</i> 22:589-595.	
	23.	Yon-Hin, P. et al. (1990). "An Efficient Route to Vinylporphyrins," <i>Can. J. Chem.</i> 68:1867-1875.	

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--